

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of : William Rusu

U.S. Serial No. : 10/776,019

Filed On : 02/09/2004

For : HARD TONNEAU COVER

Examiner : Kiran B. Patel

Art Unit : 3612

Attorney Docket No. : RUS-102

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**PETITION UNDER 37 CFR 1.313(c) FOR WITHDRAWAL FROM ISSUE**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

09/07/2005 TL0111 00000003 10776019

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130.00 OP

Dear Sir:

Applicant requests that the above application be withdrawn from issue for consideration of a request for continued examination filed herewith.

U.S. Patent Nos. 4,795,206 and 4,807,921 were cited in a search report in the corresponding PCT application and inadvertently not made of record in the present application. A Preliminary Report was received on August 30, 2005, after payment of the issue fee on August 20, 2005, indicating nonpatentability of several claims over these prior patents. The Examiner named on the PCT Preliminary Report was a different person than the Examiner on this application.

Applicant thus seeks to have the Examiner of this application consider these references and other references which are believed to be cumulative over the references cited..

Favorable consideration is respectfully requested on an expedited basis to prevent publication.

The required petition fee of \$130.00 is enclosed.

Respectfully submitted,

Date: September 7, 2005

By: John R. Benefiel  
John R. Benefiel  
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**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8(a)**

It is hereby certified that this correspondence, along with any items referred to as being attached or enclosed, is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on September 7, 2005.

By: John R. Benefiel